



ADVERTISING
ON THE RIGHT OF WAY

Streetscaping™

Full service System

Non-advertising Streetscaping units are placed at locations which require amenities, but at which advertising is inappropriate

Background Integration...

Appealing, yet neutral architectural theme allows units to fit attractively with any architectural background.

Uniform Aesthetic Theme

This common theme emphasizes a Transit System Identity.

Exacting Specifications...

A huge investment in research and development has ensured that Streetscaping will meet material specifications of any municipality.



Streetscaping™



Versatile...

Modular units can be arranged to attractively fit at almost any site.

Attractive...

Streetscaping enhances the appearance of the transit stops.

Durable...

High quality materials designed to stand up to a hostile environment are used throughout.



Streetscaping™

Recycled Product...
Recycled Materials are used in constructing Streetscaping and materials used are recyclable at the end of the products life.

Ongoing Program...
New modules including news box surrounds, public post boards, and integrated transit standards are already in process.



Designed For The Primary Users...
Input from seniors and transit riders dictated many of the enhanced features, such as "easy rise" seating, rapid drainage, and assistance armrests.

Outstanding Aesthetic Qualities...
Streetscaping is designed to enhance the appearance of the municipal roadways.



Some states do allow this type of advertising on right of way

Problems for North Carolina:

- Illegal**
- Safety and Operations Issues**
- Content Controls**

General Statutes 136-18

(9) To employ appropriate means for properly selecting, planting and protecting trees, shrubs, vines, grasses or legumes in the highway right - of - way in the promotion of erosion control, landscaping and general protection of said highways; to acquire by gift or otherwise land for and to construct, operate and maintain roadside parks, picnic areas, picnic tables, scenic overlooks and other appropriate turnouts for the safety and convenience of highway users; and to cooperate with municipal or county authorities, federal agencies, civic bodies and individuals in the furtherance of those objectives.

None of the roadside parks, picnic areas, picnic tables, scenic overlooks or other turnouts, **or any part of the highway right - of - way shall be used for commercial purposes except (i) for materials displayed in welcome centers in accordance with G.S. 136-89.56**, and (ii) for vending machines permitted by the Department of Transportation and placed by the Division of Services for the Blind, Department of Health and Human Services, as the State licensing agency designated pursuant to Section 2(a)(5) of the Randolph-Sheppard Act (20 USC 107a(a)(5)). The Department of Transportation shall regulate the placing of the vending machines in highway rest areas and shall regulate the articles to be dispensed. Every other use or attempted use of any of these areas for commercial purposes shall constitute a Class 1 misdemeanor and each day's use shall constitute a separate offense.

14-145 Unlawful posting of advertisements

Any person who in any manner paints, places, or affixes, or causes to be painted, printed, placed, or affixed, any business or **commercial advertisement** on or to any stone, tree, fence, stump, pole, automobile, building, or other object, which is the property of another without first obtaining the written consent of such owner thereof, or who in any manner paints, prints, places, puts, or affixes, or causes to be painted, printed, placed, or affixed, such an **advertisement** on or to any stone, tree, fence, stump, pole, mile-board, milestone, danger-sign, danger-signal, guide-sign, guide-post, automobile, building, or other object within the limits of a public highway, shall be guilty of a Class 3 misdemeanor. (Ex. Sess. 1924, c. 109; 1993, c. 539, s. 84; 1994, Ex. Sess., c. 24, s. 14 (c.))

S 136-32. Other than official signs prohibited

No unauthorized person shall erect or maintain upon any highway any any warning or direction sign, marker, signal or light of imitation of any official sign, marker, signal or light erected under the provisions of G.S. 136-30, except in cases of emergency. No person shall erect or maintain upon any highway any traffic or highway sign or signal bearing thereon any **commercial advertising**: Provided, nothing in this section shall be construed to prohibit the erection or maintenance of signs, markers or signals bearing thereon the name of an organization authorized to erect the same by the Department of Transportation or by any local authority referred to in D.S. 136-31. Any person who shall violate any of the provisions of this section shall be guilty of a Class 1 misdemeanor. The Department of Transportation may remove any signs erected without authority. (1921, c. 2, s. 9(b) ; C.S., s. 3846(r) ; 1927, c. 148, ss. 56, 58; 1933, c. 172, s. 17; 1957, c. 65, s. 11; 1973, c. 507, s. 5; 1977, c. 464, s. 7.1; 1991 (Reg. Sess., 1992), c. 1030, s. 39; 1993, c. 539, s. 981; 1994, Ex. Sess., c. 24, s. 14 (c).)

19A NCAC 02E.0415 ADVERTISING SIGNS WITHIN RIGHT OF WAY

It shall be unlawful for any person, firm or corporation to erect or place any advertising or other sign, except regulation traffic and warning signs approved by the Department of Transportation, on any highway or the right of way thereof, or so as to overhang the right of way, or to permit the erection or placing of any advertising or other sign, as herein prohibited, on any highway right of way which is situated over any land owned, rented, leased or claimed by such person, firm or corporation. It shall be unlawful for any person, firm or other corporation that has erected, or placed, or permitted to be erected or placed, any advertising or other sign, as herein prohibited, or for any person, firm or corporation owning, renting, leasing or claiming any land over which a highway or highway right of way is situated, and on which highway or highway right of way any advertising or other sign has been erected or placed, to allow such advertising or other signs to remain on state highway or right of way thereof.

History Note: Authority G.S. 136-18(10); 136-30; eff. July 1, 1978.

Safety

- **Crash causation can be linked to driver distraction in 25-50% of all highway crashes**
- **Drivers are juggling more tasks inside and outside of the vehicle**
- **Important safety and directional signs can fade into the background**
- **Break Away / Crashworthiness**

Safety

- **Liability - structure in public right of way**
- **Sight Distance Impacts**
- **Pedestrian Safety**
- **Restricted right of way can compromise placement of structures adjacent to and within clear recovery areas**

Traffic Operations and Impacts

- **Potential to interfere with future modernization and maintenance efforts**
- **Most demand potential is in urban areas - right of way is constrained & set-backs are minimized**

Content and Control

- **Control of Activities on right of way**
- **Sign Clutter**
- **Freedom of Speech**
- **Commercialization / Marketing of right of way**
- **Financial Control**

TITLE 23--HIGHWAYS

CHAPTER I--FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

Sec. 1.23 Rights-of-way.

(b) Use for highway purposes. **Except as provided under paragraph (c) of this section, all real property, including air space, within the right-of-way boundaries of a project shall be devoted exclusively to public highway purposes.** No project shall be accepted as complete until this requirement has been satisfied. The State highway department shall be responsible for preserving such right-of-way free of all public and private installations, facilities or encroachments, except (1) those approved under paragraph (c) of this section; (2) those which the Administrator approves as constituting a part of a highway or as necessary for its operation, use or maintenance for public highway purposes and (3) informational sites established and maintained in accordance with Sec. 1.35 of the regulations in this part.

(c) Other use or occupancy. Subject to 23 U.S.C. 111, the temporary or permanent occupancy or use of right-of-way, including air space, for nonhighway purposes and the reservation of subsurface mineral rights within the boundaries of the rights-of-way of Federal-aid highways, may be approved by the Administrator, if he determines that such occupancy, use or reservation is in the public interest and will not impair the highway or interfere with the free and safe flow of traffic thereon.

Statement 1: "The right-of way shall be devoted exclusively for public highway purposes."

Statement 2: "The HBA allows advertising on the right-of-way under the LOGO system and in rest areas in limited fashion. The fact that the HBA allows only these exceptions is interpreted to mean that other forms of advertising on the right-of-way are forbidden."



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR

UTILITIES COORDINATION UNIT
1546 MAIL SERVICE CENTER RALEIGH N C 27699-1546
TELEPHONE: 919-733-7932 FAX: 919-733-4440

LYNDO TIPPETT
SECRETARY

September 27, 2004

MEMORANDUM TO: Division Engineers/District Engineers

FROM: Aydren Flowers
State Utility Agent

SUBJECT: Bus Shelters within NCDOT Right of Way

Bus shelters may be allowed within NCDOT Right of Way by Encroachment Agreement. Form R/W 16.1A, **Right of Way Encroachment Agreement for Non-Utility Encroachments on Primary and Secondary Highways** is the appropriate form to use and may be signed by the Division Engineer.

The following conditions are to be required for approving bus shelters along NCDOT routes:

- The posted speed limit must be 45 MPH or less.
- The proposed shelter is on a street with NCDOT standard 2'6" vertical face curb and gutter, with sidewalk. The proposed shelter is located behind an existing sidewalk and as close to the Right of Way line as practical.
- The proposed shelter is of a design reviewed and approved by NCDOT's Project Services.
- The Encroaching Party includes a statement signed and sealed by a North Carolina Licensed Professional Engineer to the effect that "**the proposed shelter is outside of the clear recovery zone as defined by the most current version of the AASHTO Roadside Design Guide or the proposed shelter will not adversely obstruct sight distances nor create an increased safety hazard within the clear recovery zone to a greater extent than existing above ground obstacles (utility poles, trees, etc.) which are in close proximity to the proposed shelter**".

Page 2
Bus Shelters

- Encroachment agreements for bus shelters may be approved only for municipalities or other governmental agencies.
- No commercial advertising shall be allowed on bus shelters within NCDOT Right of way.
- NCDOT reserves the right to remove any shelter found to be a hazard to the traveling public.

Multiple shelters may be approved under one Encroachment Agreement if all of the above requirements are met.

The Division Engineer may require stricter or additional requirements in cases determined to be necessary.

Proposed shelters that do not meet all of the above requirements may be considered on a case by case basis and approved at the discretion of the Division Engineer.

AF:sh

cc: L. A. Sanderson, PE, State Highway Administrator
W. S. Varnedoe, PE, Chief Engineer – Operations
L. D. Love, PE, Director of Asset Management
W. F. Rosser, PE, Director of Field Operations
John Williamson, Manager of Right of Way
Steve DeWitt, PE, Director of Construction
D. M. Barbour, PE, Director of Preconstruction
J. P. Brandenburg, PE, State Road Maintenance Engineer



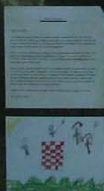


23742

PATTISON

www.bcadoption.com

Adoption is a
life long journey...
we can help

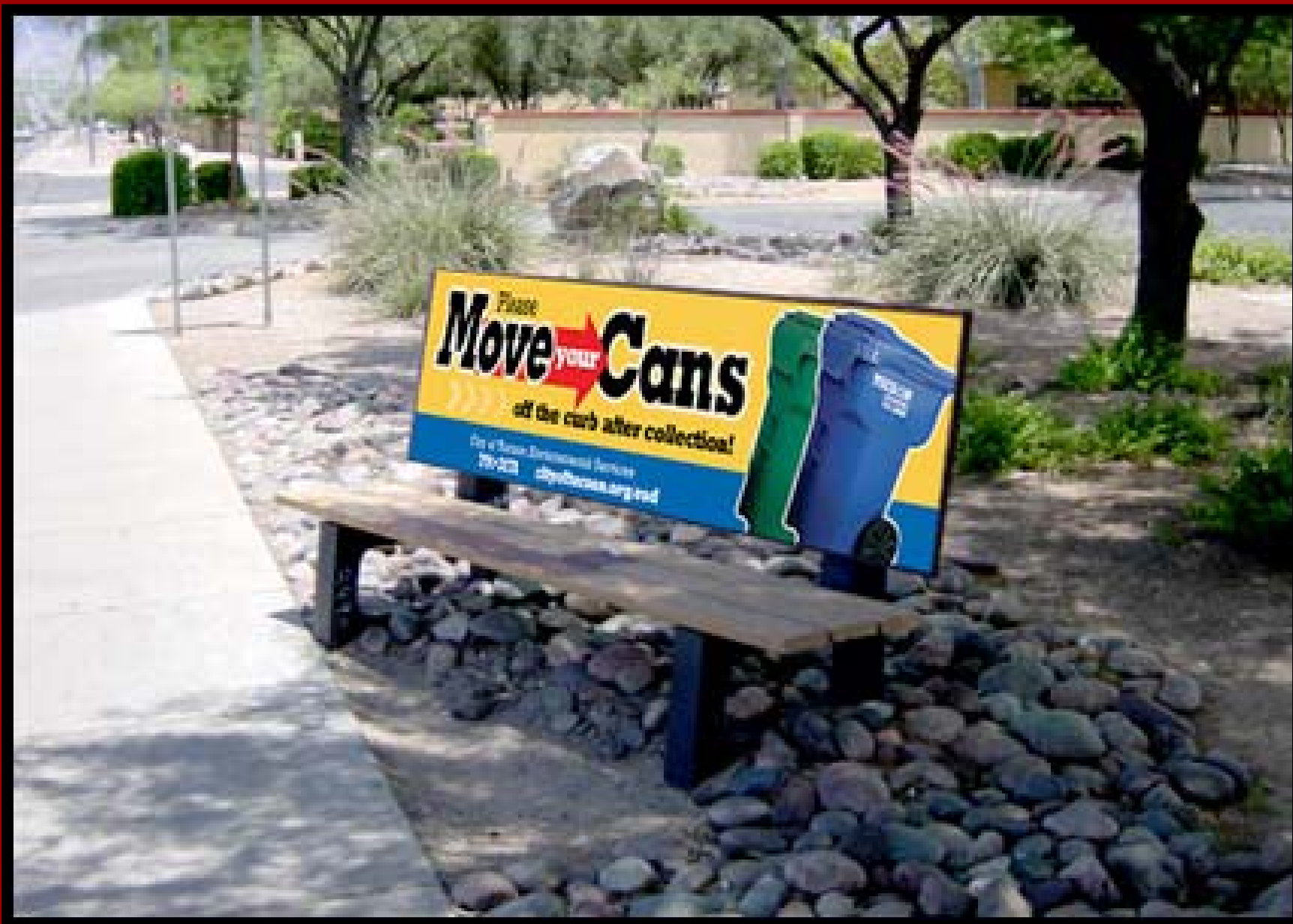


Adoptive Families Association of BC

A Family for Every Child.















Concerns

- **Can introduce more non-essential visual noise in an already visually noisy environment**
- **Advertising within right of way**
- **Content, Clarity, & Colors**
- **Message and image appropriateness**
- **Distraction potential**
- **Enhancement considerations**
- **Design considerations**